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To an ADDRESS of the HOUSE OF COMMONS, dated the 5th May, 1891;—For copies of all correspondence, petitions, memorials, and any other documents submitted to the Privy Council, in connection with the abolition of the official use of the French language in the Province of Manitoba by the Legislature of that Province; also copies of reports to or Orders in Council thereon; also copies of the Act or Acts relating thereto.

By order.

GEO. E. FOSTER,

For Secretary of State.

OTTAWA, 17th June, 1891.



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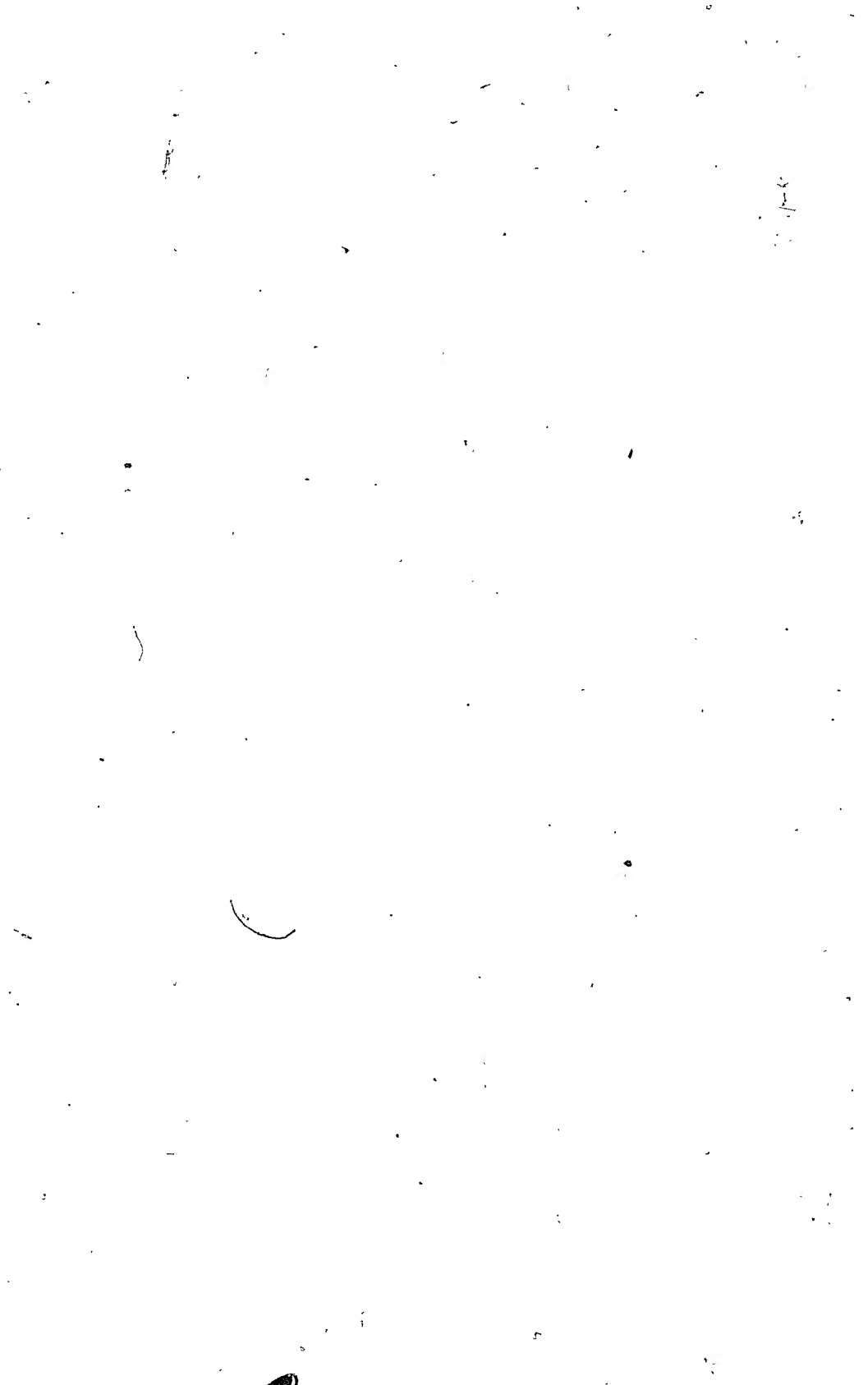
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No. 1.

GOVERNMENT HOUSE, WINNIPEG, 31st March, 1890.

SIR,—I have the honour to transmit, herewith, copies of certain representations made to me by Honourable James E. P. Prendergast, M.P.P., for Woodlands, on behalf of the present M.P.'s. for Carillon, Cartier, LaVerandrye, Morris, St. Boniface and himself, regarding certain Bills; viz. :—

“An Act to provide that the English language shall be the official language of the Province of Manitoba.”

“An Act respecting Public Schools,” and

“An Act respecting the Department of Education,” passed during the third Session of the Seventh Provincial Legislature, to which assent was given this day by me.

I have, etc.,

JOHN SCHULTZ, *Lieutenant-Governor.*

The Hon. the Secretary of State, Ottawa.

WINNIPEG, 27th March, 1890.

SIR,—On behalf of the honourable members for Carillon, Cartier, La Verandrye, Morris and St. Boniface, and of myself, I beg leave to respectfully represent to Your Honour that the Legislative Assembly at this present Session, being the third Session of the Seventh Legislature, has passed a Bill intituled, “An Act to provide that the English language shall be the official language of the Province of Manitoba,” and to most humbly submit that the said Bill is *ultra vires* for reasons more fully set forth in the memorandum hereto annexed.

I have the honour to be, sir, your most humble servant.

JAMES E. P. PRENDERGAST, *Member for Woodlands.*

To His Honour the Honourable JOHN SCHULTZ,
Lieutenant Governor of Manitoba, &c., &c., &c.,
Government House, Winnipeg.

MEMORANDUM respecting a Bill intituled “An Act to provide that the English language shall be the Official language of the Province of Manitoba.”

It is submitted that section 133 of “The British North America Act, 1867,” which applies to the Parliament of Canada and the Legislature of Quebec, is similar to, and drafted in the same words, *mutatis mutandis*, as clause 23 of “The Manitoba Act,” applying to the Legislature of Manitoba, and that any interpretation attaching to the former should also attach to the latter.

THE BRITISH NORTH AMERICA ACT, 1867.

Section 133 of the above Act reads as follows :—

“Either the English or the French language may be used by any person in the debates of the House of Parliament of Canada, and of the House of the Legislature of Quebec; and both these languages shall be used in the respective records or journals of those Houses, and either of those languages may be used by any person in any pleading or process. The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both languages.”

The spirit which has presided to the enacting of the above clause is fully illustrated by the reports of the debate on Confederation.

Hon. Mr. Evanturel (page 943) says :—

“I wish to put a question to the Government. I acknowledge that if I confined myself to consulting my own ideas, I should not put this question; but I do so in order to meet the wishes of several of my friends, both within this House and beyond its precincts. Those friends have expressed alarm in relation to one of the

clauses of the resolutions, and have requested me to ask an explanation from the Honourable Attorney General for Upper Canada as to the interpretation of that clause. I have, therefore, to ask him whether Article 46 of the resolutions, which states that both the English and French languages may be employed in the General Parliament and its proceedings, and in the Local Legislature of Lower Canada, is to be interpreted as placing the use of the two languages on an equal footing in the Federal Parliament. In stating the apprehensions entertained by certain persons on this subject, I hope the Government will not impute to me any hostile intention, and will perceive that the course I adopt is in their interest, as it will give them an opportunity of dissipating the apprehensions in question. (Hear, hear)."

Hon. Attorney General Macdonald answers as follows:—

"I have very great pleasure in answering the question put to me by my hon. friend for the County of Quebec. I may state that the meaning of one of the resolutions adopted by the Conference is this: that the rights of the French Canadian members, as to the status of their language in the Federal Legislature, should be precisely the same as they now are in the Provincial Legislature of Canada in every possible respect. I have still further pleasure in stating that the moment this was mentioned in Conference the members of the deputation from the Lower Provinces unanimously stated that it was right and just: and without one dissentient voice, gave their adhesion to the reasonableness of the proposition that the status of the French language as regards the procedure in Parliament, the printing of measures, and everything of that kind, should precisely be the same as it is in this Legislature."

It is admitted that the only thing promised after all in the above by the Hon. the Attorney General for Upper Canada is that the French language would be placed in the Federal Parliament on the same footing it occupied then—that is, under the "Union Act."

It must be equally admitted that under the "Union Act," as originally drafted, the English language alone could be used in Parliament; and that whilst, by 11 and 12 Vic. (Imperial), the two languages were subsequently put on a par, yet there was nothing in this amending Act making its object indefeasible—that is to say, that the use of the French language, although introduced, was yet left, as to its own continuance, to the will of the majority.

Having those facts in mind, the above declarations of the Attorney General for Upper Canada were not considered sufficient, and at the next page of the *Debates* Hon. (now Sir) A. A. Dorion is reported as saying:—

"If to-morrow the Legislature chooses to vote that no other but the English language should be used in our proceedings, it might do so, and thereby forbid the use of the French language. There is, therefore, no guarantee for the continuance of the use of the language of the majority of the people of Lower Canada but the will and forbearance of the majority of Parliament."

To which the Hon. Mr. Macdonald replies:—

"I desire to say that I agree with my honourable friend that, as it stands just now, the majority governs; but in order to cure this, it was agreed at the Conference to embody the provision in the Imperial Act. This is proposed by the Canadian Government for fear an accident might arise subsequently, and it was assented to by the deputation for each province that the use of the French language should form one of the principles upon which the Confederation would be established, and that its use as at present should be guaranteed by the Imperial Act."

To the above declarations affecting more the Federal Parliament, Hon. Attorney General Cartier adds further declarations affecting the Province of Quebec. At the same page of the *Debates*, he is reported as saying:—

"I will add that it was also necessary to protect the English minority in Lower Canada with respect to the use of their language. The members of the Conference were desirous that it should not be in the power of the majority to decree the abolition of the English language in the Local Legislature of Lower Canada, any more than it will be in the power of the Federal Legislature to do so with respect to the use of the French language."

It is submitted that the following conclusions may be legitimately drawn from the above:—

1. That the official use of their language was solemnly guaranteed to the English-speaking minority of the Province of Quebec in the Local Legislature.

2. That this guarantee was an indefeasible one, or in the words of Hon. Mr. Cartier, "that it would not be in the power of the majority to decree the abolition of the English language."

3. That this privilege of the minority should not be interpreted in its narrowest sense, but (in the words of Mr. Evanturel) as placing the use of the two languages on an "equal footing," or, again (in the words of Hon. Mr. Macdonald) "as applying to the procedure in Parliament, the printing of measures, and everything of that kind."

That all the phrases in the said section of the British North America Act, 1867, having as joint subjects the Federal Parliament and the Legislature of Quebec, all the declarations quoted as to the former must necessarily apply to the latter, and *vice versa*.

AMENDMENTS TO PROVINCIAL CONSTITUTIONS.

In case it should be contended that the Legislature of Quebec has power to decree the abolition of the official use of the English language, by virtue of sub-clause 1 of clause 92 of the British North America Act, 1867, it is respectfully submitted that the words "the constitution of the Province," used in the said sub-clause, apply only to such matters as are mentioned and provided for in Division Five (V) of the said Act, headed "*V. Provincial Constitutions*;" and that the dual language claim being not contained in the said division, it is beyond the power of the Legislature of Quebec to amend it.

THE MANITOBA ACT.

It is respectfully submitted that inasmuch as Clause XXIII of the Manitoba Act is an absolute reproduction (*mutatis mutandis*) of clause 133 of the British North America Act, 1867, the standing of the French language in Manitoba is the same as that of the English language in Quebec, and that all privileges and disabilities in connection with the latter are privileges and disabilities in connection with the former.

THE BRITISH NORTH AMERICA ACT, 1871.

It is further respectfully submitted that even had the Legislature of Quebec power to repeal the dual language clause of the British North America Act, 1867, the Legislature of Manitoba is stopped from altering the provisions of the Manitoba Act, by 34 of 35 Vic., cap. 28 (Imperial), also known as "The British North America Act, 1871," section 6 of which reads as follows:—

"Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act, 'The Manitoba Act,' subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the certification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province."

A PRECEDENT.

It is further respectfully submitted that in 1879 Hon. Mr. (now Judge) Walker, then Attorney-General of Manitoba, introduced in this Legislature a Bill to abolish the printing in French of all public documents except the statutes. The Journals of that year show that the said Bill was read a first, second and third time, but the schedule of Acts assented to at the close of the Session show that said Bill is not therein included, and that it was not sanctioned.

Humbly submitted.

JAMES E. P. PRENDERGAST, *M. P. P. for Woodlands.*

LEGISLATIVE ASSEMBLY OF THE PROVINCE OF MANITOBA,
WINNIPEG, 28th March, 1890.

SIR,—On behalf of the members for Carillon, Cartier, La Verandrye, Morris and St. Boniface, as well as in my own name, I beg to represent respectfully to your honour that the Legislative Assembly has passed during its present session, amongst others, two Bills respectively, intituled, "An Act respecting the Department of Education" and "An Act respecting Public Schools," and to submit most humbly that the said Bills are *ultra vires* for reasons more fully set forth in the memorandum herewith enclosed.

I have the honour to be, sir, your most respectful servant,
JAMES E. P. PRENDERGAST, M.P.P. for Woodlands.

His Honour the Honourable JOHN SCHULTZ,
Lieutenant Governor, &c., &c., Government House,
Winnipeg.

MEMORANDUM respecting a Bill intituled "An Act respecting the Department of Education" and a Bill intituled "An Act respecting Public Schools."

It is respectfully submitted that the Bills above mentioned are and constitute a gross and direct violation of the rights and privileges guaranteed to the Roman Catholic minority of Her Majesty's subjects in the Province of Manitoba by section 93 of "The British North America Act, 1867," and section 22 of "The Manitoba Act."

It is submitted that the first sub-clause of said section 22 of "The Manitoba Act" recognizes the law or practice followed prior to Union, as a source of indefeasible rights and privileges with respect to denominational schools.

By the practice followed, the Roman Catholic denomination, and in fact all the religious denominations known in the country then enjoyed the following privileges:—

1. They each had their denominational schools, there being, in fact, then, no other schools than denominational schools in the country.

2. Each denomination (whether by their clergy, laymen or otherwise) had the privilege of determining the curriculum of the course of studies to be followed in their respective schools, so that the convictions and consciences of the parents were not violated in their children.

3. The practice, the general practice, was that each denomination supported its own schools.

The above practice is perfectly supported and illustrated by letters from the respective Boards of the Roman Catholic, Episcopalian and Presbyterian denominations, as reproduced in Mr. H. T. Hind's Report of the Red River Expedition, in the chapter concerning education.

Whilst recognizing the supreme right of the Legislative Assembly of voting aids and subsidies, it is further submitted that, prior to union, the only monies spent for public purposes, and which could in any sense be considered as public monies, were those of the Honourable the Hudson Bay Company, and that it was the practice for said company to grant yearly certain sums to the three denominations named for their mission work, a most important part of which was their educational work.

It is respectfully submitted that the said Bill respecting the Department of Education is, considered in its whole and more particularly by sections, determining the powers of and creating the Department of Education and the Advisory Board, in violation of the rights and privileges above mentioned; and so for the said Bill respecting Public Schools, particularly by sections six, seven and eight, and by chapters headed "Compulsory Education," and "Penalties and Prohibitions" and "School Assessment."

It is further respectfully submitted that by sub-clause 3 of clause 93 of "The British North America Act, 1867," and by sub-clause 2 of clause 22 of "The Manitoba Act" all Acts passed after the Union authorizing separate or denominational schools, are also recognized as a source of indefeasible rights and privileges.

That the said Bills passed during the present session are also in this respect in violation of such rights and privileges is evident from the fact that the said Bills expressly upset "The Manitoba School Act" now in force, and the denominational schools established thereunder, and substitute in lieu of the latter non-sectarian public common schools.

All of which is most respectfully submitted.

JAMES E. P. PRENDERGAST,
M. P. P. for Woodlands.

(Translation.)

No. 2.

EPISCOPAL RESIDENCE, THREE RIVERS, 12th May, 1890.

SIR,—The unjust law passed by the Government of Manitoba against the Catholic and French-speaking population of that Province, to abolish Separate Schools and suppress the official use of the French language, went into force on the 1st May, instant. The protests of the minority, so shamefully treated by this iniquitous law, have been laid before the Dominion Government, with a view to secure the disallowance thereof and to obtain the protection guaranteed to them by the Constitution. I feel confident that the Government, of which you are one of the leaders, will lend a willing ear to that appeal to its authority, and will enforce respect for the rights of that minority by disallowing a law which is nothing short of persecution, as it is admitted by Protestants themselves. The courage with which you repelled a like attempt in the North-West Territories is my warrant for believing that you will take a firm stand in this matter. It was in the name of the Federal compact that the abolition of Separate Schools was maintained a few years ago in New Brunswick, and yet the Catholic Ministers who then formed part of the Federal Government declared to the bishops that they were prepared to resign on that question, and it was only through respect for the autonomy of the Provinces that that unjust law was then tolerated.

To-day it is in the name of the Federal compact that the Manitoba minority are claiming protection against an unjust law which violates the Federal compact, for that compact guarantees to them the official use of the French language on the same footing as the English language and the maintenance of Separate Schools,—conditions without which the Catholic and French-speaking population of Manitoba would never have consented to enter Confederation. That guarantee has now been trampled under foot by the Act passed by Hon. J. Martin, under which, without the shadow of a pretext, that minority have been deprived of a right held most sacred by every people, the right of preserving the language and the faith of their fathers.

I trust, therefore, that the Ministers who are entrusted with our religious and national interests in the Dominion Government will to-day exhibit the same firmness as their predecessors, and that they will succeed in convincing their honourable colleagues that if they would maintain a good understanding between our citizens of diverse origin and insure peace and the maintenance of Confederation, they must of necessity do justice to the minority in Manitoba, and protect them against the iniquitous persecution inflicted upon them by the majority, at the instigation of a few fanatics.

In my humble opinion, this is a much more serious matter than the Riel question, for it is a direct attack upon the two sentiments dearest to the heart of man, language and faith.

Trusting that no Catholic French Canadian member of the Government will take upon himself, in the face of the country, the responsibility of maintaining a law so clearly unjust and hostile to our nationality,

I remain, with the highest consideration, Hon. Sir,

Your devoted servant;

† L. L. Bp. of Three Rivers.

Hon. J. A. CHAPLEAU,
Secretary of State, Ottawa.

No. 3.

To the Right Honourable Sir FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of the United Kingdom; Knight Grand Cross of the Most Honourable Order of the Bath, Governor General of Canada and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY:

To allow the undersigned, Roman Catholic Archbishop of Manitoba, to lay respectfully before Your Excellency the following observations and requests:

Previous to the transfer of the North-West Territories to the Dominion of Canada, there prevailed a great uneasiness amongst the inhabitants of the said Territories, with regard to the consequences of the transfer. The Catholic population especially, mostly of French origin, thought they had reason to foresee grievances on account of their language and their religion, if there were no special guarantee given as to what they considered their rights and privileges. Their apprehensions gave rise to such an excitement that they resorted to arms; not through a want of loyalty to the Crown, but only through mere distrust towards Canadian authorities, which were considered as trespassing in the country, previous to their acquisition of the same. Misguided men joined together to prevent the entry of the would-be Lieutenant-Governor.

The news of such an outburst was received with surprise and regret, both in England and Canada. All this took place in the autumn of 1870.

I was in Rome at the time, and at the request of the Canadian authorities I left the Ecumenical Council to come and help in the pacification of the country. On my way home, I spent a few days in Ottawa. I had the honour of several interviews with Sir John Young, then Governor General, and with his Ministers. I was repeatedly assured that the rights of the people of Red River would be fully guarded under the new régime; that both Imperial and Federal authorities would never permit the new-comers in the country to encroach on the liberties of the old settlers; that on the banks of the Red River, as well as on the banks of the St. Lawrence, the people would be at liberty to use their mother tongue, to practise their religion and to have their children brought up according to their views.

On the day of my departure from Ottawa, His Excellency handed me a letter, a copy of which I attach to this as Appendix A, and in which are repeated some of the assurances given verbally. "The people", says the letter, "may rely that respect and attention will be extended to the different religious persuasions."

The Governor General, after mentioning the desire of Lord Granville "to avail of my assistance from the outset," gave me a telegram he had received from the Most Honourable the Secretary of the Colonies, which I attach to this as Appendix B, and in which His Lordship expressed the desire that the Governor General would take "every care to explain where there is a misunderstanding, and to ascertain the wants and conciliate the good will of all the settlers of the Red River."

I was, moreover, furnished with a copy of the Proclamation issued by His Excellency on the 6th of December, 1869, which I attach to this as Appendix C. In this Proclamation we read: "Her Majesty commands me to state to you that she will be always ready, through me as her Representative, to redress all well-founded grievances, and any complaints that may be made, or desires that may be expressed to me as Governor General."

"By Her Majesty's authority I do therefore assure you that on your union with Canada, all your civil and religious rights and privileges will be respected."

A delegation from Red River had been proposed as a good means of giving and receiving explanations conducive to the pacification of the country. The desirability of this step was urged upon me as of the greatest importance, and the Premier of Canada, in a letter I attach to this as appendix D, wrote to me: "In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered. Their expenses coming here and returning and while staying in Ottawa will be defrayed by us."

I left after having received the above-mentioned instructions and reached St. Boniface on the 9th of March, 1870.

I communicated to the dissatisfied the assurances I had received, showing them the documents above cited. This largely contributed to dispel fears and to restore confidence. The delegation which had been delayed was definitely decided upon. The delegates appointed several weeks before, received their commission afresh. They proceeded to Ottawa; opened negotiations with the Federal authorities, and with such result that on the 3rd of May, 1870, Sir John Young telegraphed to Lord Granville: "Negotiations with delegates closed satisfactorily."

The negotiations provided that the denominational or separate schools would be guaranteed to the minority of the new Province of Manitoba. The French language received such recognition that it was decided it would be used officially both in Parliament and in the Courts of Manitoba.

The Manitoba Act was then passed by the House of Commons and Senate of Canada and sanctioned by the Governor General.

The said Act received the supreme sanction of the Imperial Parliament, which thus took under its own safeguard the rights and privileges conferred by it.

I take the liberty to here cite most of the two clauses relating to denominational schools and official use of the French language.

Clause 22. "In and for the Province, the said Legislature may exclusively make laws in relation to education, subject and according to the following:

"(10) Nothing in such law shall prejudicially affect any right or privilege with respect to denominational schools, which any class of persons have by law or practice in the Province at the Union.

"(20) An appeal shall lie to Governor General in Council from any Act or decision of the Legislature of the Province, or any other Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education."

Clause 23. "Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective Records and Journals of those Houses, and either of these languages may be used by any person, or in any pleading or process in or issuing from any court of Canada established under the British North America Act, 1867, or in or from all or any of the courts of the Province. The Acts of the Legislature shall be printed and published in both these languages."

According to the provisions above mentioned, the Legislature of Manitoba always recognized the Catholic schools as an integral part of the educational system of the Province. The use of the French language met with the same recognition. Everything went on smoothly and harmoniously in that respect since the establishment of the Province until a few months ago.

Without stating any fair reason for the change, and without any public movement to determine it, the Provincial Cabinet of Mr. Greenway has brought before the Legislature and secured the passing of Acts of such a radical character against the French and the Catholics, that a decided Protestant influential newspaper has not hesitated to say: "That is not legislation, but persecution."

I know that the laws I allude to are to be remitted to Your Excellency along with this, so I do not add a copy of the same.

I consider the laws just enacted by the Legislature of Manitoba, to abolish the Catholic schools and the official use of the French language, as an unwarranted violation of the promises made before and to secure the entry of this country into Confederation.

I consider such laws as a death blow to the very Constitution of this Province. They are detrimental to some of the dearest interests of a portion of Her Majesty's most loyal subjects. If allowed to be put in force, they will be a cause of irritation, destroy the harmony which exists in the country and leave the people under the painful and dangerous impression that they have been cruelly deceived and, because a minority, they are left without protection, and that against the promise made 20

years ago by the then immediate representative of Her Majesty: "Right shall be done in all cases."

I, therefore, most respectfully and most earnestly pray, that Your Excellency, as the representative of our most beloved Queen, should take such steps that in your wisdom would seem the best remedy against the evils that the above mentioned and recently enacted laws are preparing in this part of Her Majesty's domain.

With most profound respect and full confidence,

I remain Your Excellency's

Humble and obedient servant,

ALEX., Arch. of St. Boniface, O.M.I.

ST. BONIFACE, 12th April, 1890.

A.

Letter to Bishop Taché.

OTTAWA, 16th February, 1870.

MY DEAR LORD BISHOP,—I am anxious to express to you, before you set out, the deep sense of obligation which I feel is due to you for giving up your residence at Rome, leaving the great and interesting affairs in which you were engaged there and undertaking at this inclement season the long voyage across the Atlantic and long journey across the continent for the purpose of rendering service to Her Majesty's Government, and engaging in a mission in the cause of peace and civilization.

Lord Granville was anxious to avail of your valuable assistance from the outset, and I am heartily glad that you have proved willing to afford it so promptly and generously.

You are fully in possession of the views of my Government, and the Imperial Government, as I informed you, is earnest in the desire to see the North-West Territory united to the Dominion on equitable conditions.

I need not attempt to furnish you with any instructions for your guidance beyond those contained in the telegraphic message sent by Lord Granville on the part of the British Cabinet, in the proclamation which I drew up in accordance with that message, and in the letters which I addressed to Governor McTavish, your Vicar-General, and Mr. Smith.

In this last note, "all who have complaints to make" or wishes to express are called upon to address themselves to me, as Her Majesty's representative, and you may state with the utmost confidence that the Imperial Government has no intention of acting otherwise than in perfect good faith towards the inhabitants of the North-West. The people may rely that respect and attention will be extended to the different religious persuasions; that title to every description of property will be carefully guarded, and that all the franchises which have subsisted, or which the people may prove themselves qualified to exercise, shall be duly continued and liberally conferred.

In declaring the desire and determination of Her Majesty's Cabinet, you may safely use the terms of the ancient formula, "Right shall be done in all cases."

I wish you, dear Lord Bishop, a safe journey and success in your benevolent mission.

Believe me, with all respect, faithfully yours,

JOHN YOUNG.

B.

Telegram sent by Lord Granville to Sir John Young, dated the 25th November, 1869.

The Queen has learned with regret and surprise that certain misguided men have joined together to resist the entry of her Lieutenant-Governor into Her Majesty's possessions in the Red River.

The Queen does not distrust her subjects' loyalty in those settlements, and must ascribe their opposition to a change, plainly for their advantage, to misrepresentations or misunderstanding. She relies upon your Government for taking every care to explain where there is a misunderstanding, and to ascertain the wants and conciliate the goodwill of all the settlers of the Red River. But at the same time she authorizes you to tell them that she views with displeasure and sorrow their lawless and unreasonable proceedings, and she expects that if they have any wish to express or complaints to make they will address themselves to the Governor of the Dominion of Canada, of which in a few days they will form a part.

The Queen relies upon her representative being always ready on the one hand to give redress to well-founded grievances, and on the other to repress with the authority with which she has entrusted him any unlawful disturbance.

C.

PROCLAMATION, (V.R.)

"By His Excellency the Right Honourable Sir JOHN YOUNG, Baronet, a Member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Knight of the Most Distinguished Order of St. Michael and St. George, Governor General of Canada.

"To all and every the loyal subjects of Her Majesty the Queen, and to all to whom these presents shall come,—

GREETING :

"The Queen has charged me, as Her representative, to inform you that certain misguided persons in Her settlements on the Red River have banded themselves together to oppose by force the entry into Her North-Western Territories of the officer selected to administer, in Her name, the Government, when the territories are united to the Dominion of Canada, under the authority of the late Act of the Parliament of the United Kingdom; and that those parties have also forcibly, and with violence, prevented others of Her loyal subjects from ingress into the country.

"Her Majesty feels assured that she may rely upon the loyalty of Her subjects in the North-West, and believes those men who have thus illegally joined together have done so from some misrepresentation.

"The Queen is convinced that in sanctioning the union of the North-West Territories with Canada, she is promoting the best interests of the residents, and at the same time strengthening and consolidating Her North American possessions as part of the British Empire. You may judge, then, of the sorrow and displeasure with which the Queen views the unreasonable and lawless proceedings which have occurred.

"Her Majesty commands me to state to you, that she will always be ready through me, as Her representative, to redress all well-founded grievances, and any complaints that may be made, or desires that may be expressed to me as Governor General. At the same time she has charged me to exercise all powers and authority with which she has invested me in the support of order, and the suppression of unlawful disturbances.

"By Her Majesty's authority, I do therefore assure you that on the union with Canada, all your civil and religious rights and privileges will be respected, your properties secured to you, and that your country will be governed, as in the past, under British laws, and in the spirit of British justice.

"I do further, under Her authority, entreat and command those of you who are still assembled and banded together, in defiance of law, peaceably to disperse and return to your homes, under the penalties of the law in case of disobedience.

"And, I do lastly inform you, that in case of your immediate and peaceable obedience and dispersion, I shall order that no legal proceedings be taken against any parties implicated in these unfortunate breaches of the law.

"Given under my hand and seal at arms at Ottawa, this sixth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and in the thirty-second year of Her Majesty's reign.

"By command,

"JOHN YOUNG.

"H. L. LANGEVIN, Secretary of State."

D.

(Private.)

DEPARTMENT OF JUSTICE, Ottawa, 16th February, 1870.

MY DEAR LORD,—Before you leave Ottawa on your mission of peace, I think it well to reduce to writing the substance of a conversation I had the honour to have with you this morning.

I mark this letter private in order that it may not be made a public document, to be called for by Parliament prematurely; but you are quite at liberty to use it in such a manner as you may think most advantageous.

I hope that ere you arrive at Fort Garry, the insurgents, after the explanations that have been entered into by Messrs. Thibault, DeSalaberry and Smith, will have laid down their arms, and allowed Governor McTavish to resume the administration of public affairs. In such case, by the Act of the Imperial Parliament of last session, all the public functionaries will still remain in power, and the Council of Assiniboia will be restored to their former position.

Will you be kind enough to make full explanation to the Council on behalf of the Canadian Government, as to the feelings which animate, not only the Governor General, but the whole Government, with respect to the mode of dealing with the North-West. We have fully explained to you, and desire you to assure the Council authoritatively, that it is the intention of Canada to grant to the people of the North-West the same free institutions which they themselves enjoy.

Had not these unfortunate events occurred, the Canadian Government had hoped long ere this, to have received a report from the Council, through Mr. McDougall, as to the best means of speedily organizing the Government, with representative institutions. I hope that they will be able immediately to take up that subject, and to consider and report, without delay, on the general policy that should immediately be adopted.

It is obvious that the most inexpensive mode for the administration of affairs should at first be adopted. As the preliminary expense of organizing the government after union with Canada, must, in the first, be defrayed from the Canadian treasury, there will be a natural objection in the Canadian Parliament to a large expenditure.

As it would be unwise to subject the Government of the Territory to a recurrence of the humiliation already suffered by Governor McTavish, you can inform him that if he organizes a local police, of twenty-five men, or more, if absolutely necessary, that the expense will be defrayed by the Canadian Government.

You will be good enough to endeavour to find out Monkman, the person to whom, through Colonel Dennis, Mr. McDougall gave instructions to communicate with the Salteux Indians. He should be asked to surrender his letter, and informed that he ought not to proceed upon it. The Canadian Government will see that he is compensated for any expense that he has already incurred.

In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered. Their expenses coming here and returning, and whilst staying in Ottawa, will be defrayed by us.

You are authorized to state that the two years which the present tariff shall remain undisturbed will commence from the 1st January, 1871, instead of last January as first proposed.

Should the question arise as to the consumption of any stores or goods belonging to the Hudson Bay Company by the insurgents, you are authorized to inform the

leaders that if the Company's government is restored, not only will there be a general amnesty granted, but in case the company should claim the payment for such stores, that the Canadian Government will stand between the insurgents and all harm.

Wishing you a prosperous journey and happy results.

I beg to remain, with great respect,

Your very faithful servant,

JOHN A. MACDONALD.

To the Right Reverend the Bishop of St. Boniface, Fort Garry.

No. 4.

To the Right Honourable SIR FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of Great Britain, Knight Grand Cross of the Most Honourable Order of the Bath, Governor General of Canada, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—The petition of the undersigned dutiful subjects of Her Most Gracious Majesty, and members of the Legislative Assembly of the Province of Manitoba, most humbly sheweth:—

That the seventh Legislature of the Province of Manitoba, in its third Session, which opened on the 30th day of January, A. D. 1890, and prorogued on the 31st day of March of the same year, has passed, amongst others, two Acts respectively intituled: "An Act respecting the Department of Education," a copy of which is shown in Dominion Sessional Paper No. 63, 1891, page 12, and "An Act respecting Public Schools," a copy of which is shown in the same Sessional Paper, page 14.

That the said Act, intituled: "An Act respecting the Department of Education," although passed by the said Legislature as aforesaid, did not receive the approval of any of the members (whether of the Roman Catholic or Protestant persuasion) belonging to Her Majesty's Loyal Opposition in the said Legislative Assembly, as shown by a copy of the Journals of the House, contained in Appendix "C" hereto attached, but, on the contrary, received the reproof of all the members of Her Majesty's said loyal Opposition, except that of Mr. Lagimodière, a Roman Catholic, and member for La Verandrye, who was detained from his parliamentary duties through serious illness prevailing in his family; and that the said Act, intituled: "An Act respecting Public Schools," although passed by the said Legislative Assembly as aforesaid, did not receive the approval of any of the members (whether of the Roman Catholic or Protestant persuasion) belonging to Her Majesty's Loyal Opposition in the said Legislative Assembly, but, on the contrary, received the reproof of all of the said members, as again shown by the copy of the Journals of the House, contained in Appendix "C" hereto attached.

That the said Bills violate the sacred and constant rights of Her Majesty's Roman Catholic subjects of the Province of Manitoba, in relation to education; and

That for reasons more fully set forth in Appendix "D" hereto attached, the said Bills are *ultra vires* and have been passed in defiance of the Imperial Parliament under whose sanction the British North America Act, 1867, and the British North America Act, 1871, 34-35 Victoria, chapter 28, were enacted.

Your petitioners, therefore, humbly pray that Your Excellency may be pleased to take such action and grant such relief and remedy as to Your Excellency may seem meet and just.

And your petitioners, as in duty bound, shall ever pray:

JAMES E. P. PRENDERGAST, M.P.P. for

Woodlands.

R. E. O'MALLEY, M.P.P. for Lorne.

THOMAS GELLEY, M.P.P. for Cartier.

WM. LAGIMODIÈRE, M.P.P. for La

Verandrye.

WINNIPEG, 14th April, 1890.

ERNEST J. WOOD, M.P.P. for Cypress.

ROYER MARION, M.P.P. for St. Boniface.

MARTIN JÉRÔME, M.P.P. for Carillon.

A. F. MARTIN, M.P.P. for Morris.

The undersigned, respectively members of the Senate and House of Commons of Canada, fully endorse the contents of the present memorial, and earnestly join in the prayer therein contained.

MR. A. GIRARD, Senator.

A. A. LARIVIÈRE, M.P.

For Provencher, Man.

OTTAWA, 26th April, 1890.

APPENDIX "C."

No. 26.

VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY OF MANITOBA.

WINNIPEG, WEDNESDAY, 5th March, 1890.

Sitting at 7.30 o'clock, p.m.

The Order of the day being read for the House to resume the adjourned debate on the question which was on Tuesday last proposed, that the Bill (No. 12) respecting the Department of Education be now read a second time, and the question being again proposed, the House resumed the said adjourned debate.

* * * * *

Then the main question being put, the House divided, and the names being called for, they were taken down as follows:—

YEAS:—Messieurs Campbell (Souris), Campbell (South Winnipeg), Colcleugh, Crawford, Dickson, Fisher, Graham, Greenway, Harrower, Hettle, Jackson, Jones, Lawrence, McKenzie, McLean, McMillan, Martin (Portage la Prairie), Mickle, Morton, Sifton, Smart, Smith, Thomson (Emerson), Thompson (Norfolk), Winkler, Young.—26.

NAYS:—Messieurs Gelley, Gillies, Jérôme, Marion, Martin (Morris), Norquay, O'Malley, Prendergast, Roblin, Wood.—10.

So it was resolved in the affirmative.

TUESDAY, 18th March, 1890.

Sitting at 7.30 o'clock, p.m.

The Hon. Mr. Martin moved, seconded by the Hon. Mr. Greenway—

And the question being proposed,

That the rules of the House be suspended, and the Bill (No. 13) respecting Public Schools, be now read a third time;

And a debate arising thereupon,

And the House having continued to sit till after twelve of the clock on Wednesday morning.

WEDNESDAY, 19th March, 1890.

* * * * *

Then the main question being put, the House divided, and the names being called for, they were taken down as follows:—

YEAS:—Messieurs Campbell (Souris), Campbell (South Winnipeg), Colcleugh, Crawford, Dickson, Morton, Greenway, Harrower, Hettle, Jackson, Jones, Lawrence, McLean, McMillan, Martin (Portage la Prairie), Mickle, Graham, Sifton, Smart, Smith, Thomson (Emerson), Thompson (Norfolk), Winkler, Young.—25.

NAYS:—Messieurs Gelley, Gillies, Jérôme, Lagimodière, Marion, Martin (Morris), Norquay, O'Malley, Prendergast, Roblin, Wood.—11.

So it was resolved in the affirmative.

APPENDIX "D."

Her Majesty's Roman Catholic subjects in the Province of Manitoba claim certain rights and privileges in relation to education, under section 93 of the Imperial Act 30 and 31 Vic., cap. 3, being the "British North America Act, 1867," and under section 22 of the Act of Canada, 33 Vic., cap. 3, generally known as "The Manitoba Act."

Section 93 of the British North America Act, 1867, reads as follows:—

XCIII. "In and for each province, the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

1. "Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law in the Province at the Union;

2. "All the Powers, &c. &c., (applying only to Upper Canada and Quebec).

3. "Where in any Province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any Act or decision of any provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education;

4. "In case any such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section."

Section 22 of the Manitoba Act reads as follows:—

XXII. "In and for the said Province, the said Legislature may exclusively make laws in relation to education, subject and according to the following provisions:

"(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have by law or practice in the Province at the Union;

"(2.) An appeal shall lie to the Governor General in Council from any Act or decision of the Legislature of the Province or of any provincial authority, affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education;

"(3.) In case any such provincial law, as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this section, is not made, or in case any decision of the Governor General in Council on any appeal under this section is not duly executed by the proper provincial authority in that behalf, then, in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor General in Council under this section."

The words underlined in the above two sections are not in italics in the printed statutes, but are here so underlined to point out the discrepancies between the two said sections.

PRELIMINARY.

It having been repeatedly contended that the above two clauses may be altered by the Legislature of the Province, it is necessary, before studying them upon their merits, to first lay down the proposition:

That section 93 of the British North America Act, 1867, and section 22 of the Manitoba Act, whether considered in their nature, or as affected by other clauses of the same Acts or by other Acts, cannot be altered or repealed by the Legislature of the Province.

Considered in their nature.—Two things are necessary to the existence of a state; certain public bodies (legislative, judicial and otherwise) coming under the general term "institutions," and giving an organic existence to the state, and a power delegated to those bodies of exercising their proper functions. Hence, all the articles or provisions of a written constitution, without exception, may be divided into two classes: the first creating such public bodies or organizations; the second vesting in them certain powers.

The provisions of the first class may, or may not be, subsequently altered by the legislative authority of the state constituted, depending in this upon the intention to be gathered from the constitution as to whether it was meant that the institutions should be permanent or subject to alteration.

On the other hand, and by their very nature, the provisions of the second class, constituting invariably a delegation of powers, cannot in any way be altered by the state, whose only prerogative is to exercise those powers within the limits and subject to the restrictions of the delegation.

This is not legal controversy, but a conclusion dictated by plain common sense.

It would be superfluous to show that the clauses quoted above do not create institutions organic or otherwise, but merely constitute a delegation of powers which may be wide or narrow, but surely cannot be exceeded.

Considered as affected by other clauses or other acts.—Even if it be not repugnant to the nature of that class of provisions to which the clauses quoted evidently belong, it is submitted that the Legislature of Manitoba could not alter the said clauses.

(a.) The words "the constitution of the Province" used in clause 92 of the British North America Act, 1867, giving to Provincial Legislatures the power to amend from time to time * * * "the constitution of the Province," are a clear reference to the words "Provincial constitutions" anteriorly used in the Act as the heading of Chapter V, "Provincial Constitutions;" so that, in this respect, Provincial Legislatures are only empowered to amend such provisions as are contained in said Chapter V.

(b.) Whatever may be of this power under the British North America Act, 1867, the powers of the Legislature under the Manitoba Act are even more restricted, section 6, of 34 and 35 Victoria, Chapter 28 (Imperial) reading as follows:—

6. "Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last-mentioned Act (the Manitoba Act), subject always to the rights of the Legislature of the Province of Manitoba to alter from time to time, the provisions of any law respecting the qualification of electors and members of the Legislative Assembly and to make laws respecting electors in the said Province."

It is therefore submitted, as a conclusion, that the education clauses quoted could not be altered or repealed by the Legislature of Manitoba.

It may also be added, as a matter of fact, that the Legislature has not altered, nor attempted to alter the said clause.

Having then to deal with the said sections as they are, it remains to examine them upon their merits.

THE MANITOBA ACT.

Section 22.

XXII. "In and for the Province of Manitoba, the said Legislature may exclusively make laws in relation to Education, subject and according to the following provisions:"

This first paragraph, which is exactly similar to the first paragraph of clause 93 of the British North America Act, 1867, deals with the general power vested in the Legislature of passing educational laws subject to certain restrictions.

Now, as to these restrictions.

Sub-Clause.

(1.) "Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools, which any class of persons have by law or practice in the Province at the Union."

This sub-clause only differs with sub-clause 1 of Section 93 of the British North America Act, 1867, in that the words "or practice" have been added to the former.

Nothing in any such Law.—These words, preceding the words "shall prejudicially affect," certainly convey a much stronger sense than would the words "such laws shall not prejudicially affect." This intention to restrict as much as possible in this respect the powers of the Legislature, shall be noticed throughout the whole section.

Shall prejudicially affect.—Not "repeal," nor "deny," nor "abolish" nor "violate," but merely "affect." And upon reading the debates upon Confederation, wherein it appears with what anxiety and particular care this question of the schools of the minorities was dealt with, a difficulty which, in fact, was repeatedly on the eve of proving a stumbling-block to the federative compact, one may easily realize the imperative motives which withheld from the local legislatures the power not to go so far as to openly and grossly violate, but even to "affect" rights and privileges in connection with matters which, being matters of conscience, are of so delicate and respectable character. (Debats sur la Confédération, pages 18, 146, 383, 437, 851, 884, 885, 1020 and 1021.)

Any right.—The Act does not say generally "the rights," which might indicate that those rights should be considered as a whole and as resulting generally from some existing educational system; the reference to "any right" clearly conveys a particular sense covering any particular right.

But the question has been asked, what is a right?

Bouvier's, Wharton's, and other dictionaries may be quoted in order to prove, in the words of a well-known authority, that "where a right exists, a means must exist to vindicate and maintain it," and that "want of right and want of remedy are reciprocal." Going further, it may be argued, as an application to the present case, that, as prior to the Union, there existed in Manitoba no educational law, and consequently no legal remedy to enforce and vindicate educational rights, then such as might be so called educational rights were, in fact, no rights at all.

In order to answer this objection, a distinction must be made. The sub-clause now under consideration mentions two kinds of rights: 1st. rights by law, and 2nd. by practice.

1st. The quotations above referred to are all taken from law dictionaries, and only apply to rights by law. There having been before the Union no educational law, it must here be admitted that there then existed no legal means of maintaining such as are here called educational rights, although there was surely at least, under the laws and regulations of Assiniboia concerning public peace and order, a remedy to vindicate and punish a violation of most of those rights.

2nd. But, which is more important, the statute also uses the words "rights by practice," and to these the definitions given by dictionaries of law terms should not apply. It is submitted that where "practice" is so recognized by statute, it would be unreasonable to expect that a special sanction should have been provided by law at a time when the statute clearly infers there was no law.

But the question may fairly be put: What is a right held by practice, or right by practice?

The admission is here made that the connection between the words "right" and "practice" does not fully satisfy the mind. Although there is nothing repugnant between them, yet those terms, as connected, do not perhaps exactly fit each other.

But what is to be the conclusion? Is it that those words have absolutely no meaning, and must be necessarily taken as non-operative?

It is here submitted that, unless the only conclusion to be arrived at is manifestly absurd, each word of a statute should be credited with some meaning and

supposed to have some effect. If one cannot gather from the law a meaning fully satisfactory to the exigencies of a strictly trained legal mind, the next best thing should be looked for, and this should be good enough for practical purposes if it be not repugnant to common sense.

Now, it is not repugnant to common sense to admit the interpretation which naturally suggests itself, *i.e.*, that the Act recognizes as a source or fountain of rights, or elevates to the dignity of rights as we now conceive them, those constant methods of administration and those particular relations and dealings between the members of a community, which went to form a constant usage or custom or practice at a time when, in this respect, there was practically no law in the land.

It may be disputed that such rights by practice as the statute contemplates, existed in Manitoba prior to Union; but it cannot be said generally that "rights by practice" mean nothing, when the statute, using such words, evidently recognizes such rights.

Or Privilege.—This word implies an immunity or exemption. The same objections may be raised here as to the want of legal immunity in connection with privileges by practice, as were raised as to the want of legal remedy in connection with rights by practice. The answer given above would here again apply.

With respect to.—Not "any right to denominational schools" which might indicate that this right would be sufficiently protected if the general principles of denominational schools were respected; but "any right with respect to denominational schools," showing that it was intended to shield not only the rights attaching to the essential principles of denominational schools, but even those rights which are more remotely connected therewith, and the suppression of which would not necessarily entail the destruction of the system itself.

To Denominational Schools.—To what extent denominational schools existed in Assiniboia is shown further on. It may, however, be at once pointed out that a school where no denominational teaching is given would not be a denominational school.

Which any class of persons.—These classes are also further on enumerated.

Have by law.—If this last word has to be taken in the meaning of written law, no special claim is laid thereunder in this memorial. If to be taken as covering usage or custom, it shall be sufficient to consider the word "practice" following, which is much wider.

Or Practice.—"Law or practice" are words seldom used in legal phraseology. The usual terms are "written or unwritten law," "law or custom," "law or usage." The departure here made from the usual terms "custom" and "usage," and the adoption of the rather unusual word "practice," would then seem to indicate that this last term should be interpreted in its strict sense in opposition to "custom."

"Custom," of course, is a certain practice, but a practice receiving, upon certain conditions, some recognition by the law. Such are the customs and usages of certain trades in certain parts of England, "Practice," on the contrary, by itself implies no idea of law or of recognition by the law; merely results from the assemblage of certain usual facts as facts; and in this sense it should be considered.

That the word "practice" was introduced in this sub-clause, not a *major cautela*, but in order to cover and recognize the well-known state of things as existed prior to Union in Assiniboia, is shown:—

a. By the fact that in all the Acts (except the Manitoba Act) providing after 1867 for the entry of new provinces into Confederation, sub-clause 1 of clause 93 of the British North America Act, (wherefrom the word "practice" is omitted) is declared to be applicable to such Provinces; whilst in the case of the Manitoba Act, and in this case only, the said sub-clause has been amended by the addition of the word "practice." Why was not this word also made to apply to the British Columbia and Prince Edward Island Acts, both passed after the Manitoba Act?

b. By the fact that all those portions of British North America (except Manitoba) which now form the Dominion having been provinces before their entry, had regularly organized Legislatures having the power to legislate in full measure;

whilst Manitoba, not being a Province before its union, could pass no law in the same sense as the other Provinces, and in fact only passed such laws as amounted to mere regulations of police, general protection and public order. When the circumstances of Manitoba before its union were so different from those of the other Provinces before their union, how could the same enactment have been used? And when a different enactment is made, fitting exactly, (as the word "practice") such particular circumstances, how can it be said that such enactment should not be taken in the precise and strict sense making it so specially applicable?

c. By the New Brunswick Schools case.

Although the legal struggle in connection with this case only commenced in 1872, the objectionable features of the question were well known at the time of the passing of the Manitoba Act. The Common Schools Act which was passed in 1871 and gave rise to the troubles, was a first time introduced in the New Brunswick Legislature in 1869, and again in 1870, and defeated on both occasions. (Journals New Brunswick Legislature, April, 1869, and February, 1870.)

As far back as 1869 the question created very considerable agitation. (Sessional Papers of Canada, Vol. x, No. 9, 1877, page 360, par. 3, and page 363, par. 1.)

Now, upon what did the whole question hinge?

The Sessional Papers quoted fully answer this question.

"The Act complained of (The Common Schools Act, 1871,) is an Act relating to common schools, and the Acts repealed by it apply to parish, grammar, superior and common schools. No reference is made in them to separate, dissentient or denominational schools, and the undersigned does not, on examination, find that any statute of the Province exists establishing such special schools." (Report of Minister of Justice, 361.)

"In order to render any law of a Provincial Legislature inoperative under the 1st sub-section of section 93, it is requisite that there should in such province have been at the Union denominational schools, with respect to which a certain class of persons had rights or privileges, and that those rights or privileges should have been secured by law.

"This would seem to lead at once to the consideration of the laws in force in New Brunswick at the Union, for the purpose of determining whether the Roman Catholics had by such laws any rights or privileges with respect to denominational schools. (Memo. of Executive Council of New Brunswick, page 377.)

"Inasmuch, then, as in New Brunswick at the Union, and at the time of the passing of 'The Common Schools Act, 1871,' the Roman Catholics had by law no rights or privileges with respect to denominational schools; nothing in the Common Schools Act can have deprived them of rights or privileges which they did not previously enjoy.

"It is stated that under the school law in force at the Union and up to the passing of 'The Common Schools Act, 1871,' the Catholics were enabled, whenever their numbers were sufficiently large, to establish schools in which a good religious and secular education was afforded.

"No such right existed 'under the law;' nothing in 'The Parish Schools Act of 1858' prevented the establishment of private schools outside of the law, as nothing in 'The Common Schools Act, 1871,' prevents the establishment of similar schools. An irregular and defective administration of the law might tolerate illegal practices, and allow parties to derive unwarrantable advantages in violation of the law; but privileges enjoyed in violation of the law cannot give rights under the law." (*Idem*, page 385.)

"We have now to determine whether any class of persons had, by law in this Province, any right or privilege with respect to denominational schools at the Union which are prejudicially affected by 'The Common Schools Act, 1871.' This renders it necessary that we should, with accuracy and precision, ascertain exactly what the state of the law was with reference to denominational schools....." (Judgment of Supreme Court of New Brunswick, page 411.)

"The Parish Schools Act, 1858,' clearly contemplated the establishment throughout the province of public common schools for the benefit of the inhabitants of the Province generally; and it cannot, we think, be disputed, that the governing bodies under the Act were not in any one respect or particular denominational." (*Idem*, page 411.)

"The schools established under this (Act 1858) were then public, parish or district schools, not belonging to or under the control of any particular denomination, neither had any class of persons nor any denomination—whether Protestant or Catholic—any rights or privileges in the government or control of the schools and did not belong to every other class or denomination, in fact, to every other inhabitant of the parish or district; neither had any one class of persons or denomination, nor any individual, any right or privilege to have any peculiar religious doctrines or tenets exclusively taught, or taught at all in any such school. What is there, then, in this Act, to make a school established under it a denominational school, or to give it a denominational character?" (*Idem*, page 415.)

"The simple question for solution is, does 'The Common Schools Act, 1871', prejudicially affect any right or privilege with respect to denominational schools which any class of persons had by law in the Province at the Union." (*Idem*, page 422.)

There were denominational schools in existence at the Union, such as the Varley School in St. John, the Sackville Academy, the Madras School, and the like; but they are not touched by the Common Schools Act, 1871; they remain in the enjoyment of all the rights they had at the Union." (*Idem*, page 423.)

The New Brunswick case may then be summed up as follows:—

1. There existed by law in New Brunswick, prior to the Union, certain denominational academies; but the Common Schools Act, 1871, applying only to common schools did not affect such academies.

2. Although such existed by practice, no denominational common school existed by law in New Brunswick prior to Union, nor at any other time; so that the Common Schools Act, 1871, in providing that 'all schools shall be non-sectarian' only repeated in this—far from violating it—what had always been and was yet the law.

In one word, the claims of the Roman Catholics of New Brunswick fell short from the fact, that the British North America Act does not recognize "practice prior to Union," as a source of rights and privileges.

But this word "practice" has been inserted in the corresponding clause of the Manitoba Act, and it is submitted that it was so inserted, clearly in order to obviate difficulties similar to those of the New Brunswick case.

This comment of the word "practice," closes the consideration on the first sub-section.

Sub-section 2.

The first discrepancy between this sub-section of the British North America Act, 1867, lies in the suppression in the former of the three first lines to be found in the latter.

Those three first lines read as follows:—

(3.) "Where, in any province a system of separate or dissentient schools exists by law at the Union, or is thereafter established by the Legislature of the Province."

The British North America Act having to provide in a general clause, for the different circumstances of the Provinces which were then entering and might later on, enter Confederation, very properly used the alternate proposition: "where—or where,"—But, in the Manitoba Act, providing for the immediate entry of one Province, the past circumstances of which were either one way or the other, it is clear that the same form of an alternative proposition could not logically be used.

But the question then arises: Does the absence of some other form of alternative proposition in sub-clause 2 of the Manitoba Act debar the citizens thereof from appealing to His Excellency in Council, on the one hand upon grounds of rights existing by law or practice before the Union, and on the other hand upon grounds of rights resulting from Legislative Acts passed thereafter?

The answer here submitted is in the negative.

The Manitoba Act provides for an appeal from "any Act or decision affecting any right or privilege" in the widest possible terms.

Again, by the British North America Act all the Provinces (whether originally or subsequently incorporated to Confederation) enjoy this most essential right of an appeal from any act or decision affecting any right or privilege in connection with separate or dissentient schools established by the Legislature after the Union.

Manitoba would be the only Province debarred, in this respect, from this essential right of appeal. As an example: in the event of the local executive having arbitrarily administered and violated, say a year ago, the denominational Schools Act of 1881, the Roman Catholic minority of Manitoba would have been the only minority in Confederation debarred from an appeal under such circumstances.

This is repugnant, and more so, as the Manitoba Act was passed to extend and continue (and not to curtail in any sense, especially not in its general provisions) the British North America Act, 1867.

But more, sub-clause 2 of the Manitoba Act is more definite, much clearer, and perhaps stronger than the corresponding sub-clause of the British North America Act.

When the Roman Catholics of New Brunswick, under sub-clause 3 of the British North America Act, appealed to the Governor General in Council from the Common Schools Act, 1871, it was contended by the Executive Council of that Province (same Sess. Papers, page 387) that the words "from any Act or decision of any provincial authority" rather pointed to matters of administration, as, for instance, to the Acts or decisions of the Executive authority.

This point has never been settled; so that, in this respect the British North America Act is yet somewhat under a cloud.

But in the case of Manitoba care has been taken to dispel such ambiguity, and certain words have been added to sub-clause 2 of the Manitoba Act, which reads: "from any Act or decision of the Legislature of the Province or of any provincial authority."

It is most remarkable indeed, that, according to the reports of the case, but two slight additions to clause 93 of the British North America Act (being "practice" in paragraph one, and of the "Legislature of the Province" in sub-clause 3) should have been needed to make the pretensions of the Roman Catholics of New Brunswick admittedly unassailable on all grounds,—and that the addition of these very words in the Manitoba Act are the only discrepancies between this Act and the British North America Act.

Sub-section 3.

Nothing shall be said of this sub-section, only that it seems to have been intended as a sub-division of sub-clause 2.

Before closing these considerations upon this part of the law, it may be well, in order to show in what spirit the same was enacted by the Imperial Parliament, to quote the words pronounced by the Earl of Carnarvon in the House of Lords (19th February, 1867) when the educational clause of the British North America Bill was under discussion.

His Lordship says:

"Lastly, in the 93rd clause, which contains the exceptional provisions to which I referred, Your Lordships will observe some rather complicated arrangements in reference to education. I need hardly say that that great question gave rise to nearly as much earnestness and division of opinion on that as on this side of the Atlantic. This clause has been framed after long and anxious controversy, in which all parties have been represented, and on conditions to which all have given their consent. It is an understanding which, as it only concerns the local interests affected, is not one that Parliament would be willing to disturb, even if, in the opinion of the Parliament, it were susceptible of amendment; but I am bound to add, as the expression of my opinion, that the terms of the agreement appear to me to be equitable and

judicious. For the object of the clause is to secure the religious minority of one Province the same rights, privileges and protection which a religious minority of another Province may enjoy. The Roman Catholic minority of Upper Canada, the Protestant minority of Lower Canada, and the Roman Catholic minority of the Maritime Provinces, will thus stand on a footing of entire equality. But, in the event of any wrong at the hands of the local majority, the minority have a right to appeal to the Governor General in Council, and may claim the application of any remedial laws that may be necessary from the Central Parliament of the Confederation."

Having then endeavoured to show that any Act violating such rights as may have been consecrated by practice prior to the Union would be null, and that any Act violating such rights and privileges as may have been established or recognized by laws after the Union would be subject to an appeal to the Governor General in Council, it is now proper to ascertain:—

1st. What was the practice followed prior to Union? 2nd. What Acts have been passed after Union; and what rights and privileges may have resulted from such practice and such Acts?

PRACTICE PRIOR TO UNION AND RIGHTS AND PRIVILEGES THEREUNDER.

The correspondence of Monseigneur Provencher and Monseigneur Taché, Bishops of St. Boniface, will illustrate the condition of education in the Red River settlement long before the Union.

As far back as 1819, Mr. (since Bishop) Provencher opened at St. Boniface a school, where catechism and reading were taught, and the following year, latin elements were added to the curriculum.

On the 2nd day of July, 1825, the chief factors of the Hudson Bay Company assembled in council at York Factory, passed the following resolution:—

"Great benefit being experienced from the benevolent and indefatigable exertions of the Catholic mission at Red River, in promoting the welfare and moral and religious instruction of its numerous followers; and it being observed, with much satisfaction, that the influence of the mission, under the direction of the Right Reverend Bishop of Inlilopolis, has been uniformly directed to the best interest of the settlement and of the country at large, it is resolved: That, in order to mark our approbation of such laudable and disinterested conduct on the part of the said mission, it be recommended to the Honourable Committee that a sum of £50 per annum be given towards its support, &c., &c."

In 1829 a school for girls was established at St. Boniface.

In 1838 an industrial school, conducted by experts from Quebec, and where sewing, knitting and weaving specially were taught, was also established at St. Boniface.

The arrival of the Sisters of Charity in 1844 marks the beginning of more improved schools for girls in the colony.

The actual College of St. Boniface and Ladies' Academy were also founded long before the Union. But it is better to invoke upon this matter the authority of public documents, and the following quotations were taken from a narrative of the Canadian Red River Expedition of 1857 and the Assiniboine and Saskatchewan exploring expedition of 1858, by Henry Youle Hind, M.A., F.R.G.S., Professor of Chemistry and Geology in the University of Trinity College, Toronto, (London: Longman, Green, Longman and Brothers, 1860.)

The expedition was organized and despatched by the Canadian Government, and the report was of course made officially.

Under the title "The Mission at Red River" chapter 9 of the "Narrative" begins thus:—

"There are three denominations in Assiniboia—Church of England, Presbyterian and Roman Catholic."

Further (page 194) it says:—

"In 1856 the census, according to religion, stood thus: Roman Catholic, 534 families, 3 churches; Episcopalian, 488 families, 4 churches; Presbyterians, 60 families and 2 churches."

It will be found important later on to quote the following from pages 208 and 209:—

"There is a distinct and well-preserved difference in faith between the populations of the different parishes into which the settlement is divided. Some are almost exclusively Protestant, others equally Roman Catholic. In the Parish of St. Norbert there is not one Protestant family, but 101 Roman Catholic families. In the Parish of St. Boniface there are 178 Roman Catholic families and 5 Protestant; so, also, in the Parish of St. François Xavier, on the Assiniboine, there are 175 Roman Catholic to 3 Protestant families. On the other hand, in the Parish of St. Peter, there are 116 Protestant and 2 Roman Catholic families; and in the Parishes of Upper and Lower St. Andrews there are 206 Protestant and 8 Roman Catholic families."

Under the heading "Education in the Settlement," and sub-heading, "Condition of Education at Red River," chap. 10 begins thus:—

"Education is in a far more advanced state in the colony than its isolation and brief career might claim for it under the peculiar circumstances in which the country has been so long placed. There are seventeen schools in the settlement, generally under the supervision of the ministers of the denomination to which they belong."

Further on, page 215:

"The Roman Catholic Schools are three in number, one of them occupying a very spacious and imposing building near the Church of Saint Boniface, and providing ample accommodation for female boarders."

"All the foregoing establishments are independent of the Sunday schools, properly so-called, in connection with the different churches."

Speaking of the Church of England schools, and quoting from a letter from His Lordship, the Bishop of Rupert's Land, the report adds (pages 216, 218 and 219):—

"Within these boundaries the schools connected with the Church of England are thirteen. The thirteen are exclusive of the two higher academies for young ladies and for boys. In the collegiate school many of the pupils make very good progress. The sources of income vary much. Ten out of the thirteen schools are connected with the Church Missionary Society. The model training master is entirely paid by them, and also the masters of the pure Indian schools. In the other schools about one-half may be paid by the society, sometimes less, and the rest made up by the parents of the children."

"The sum paid by parents is 15s. a year; where latin is taught, one pound. In some parishes they prefer to pay the pound, or 30s. a family, and to send as many as they choose for that sum."

"The parochial school connected with my own church is equal to most parochial schools which I have known in England."

No. 5.

ST. BONIFACE, MAN., 31st October, 1890.

SIR,—I have the honour to respectfully submit to you the following:—

On the 24th of June last, a general convention of delegates from the French Canadian settlements of the Province, was held at the town of St. Boniface, with the Honourable Senator M. A. Girard as chairman and the undersigned as secretary.

Several resolutions were passed by the said convention, amongst others, one protesting against the passing by the Legislature of Manitoba, of 53 Victoria, chapter 14; another for the presenting to his Excellency in Council of a petition

asking for redress in the matter; a third, instructing a special committee to draft such petition, and a fourth, authorizing the chairman and secretary to sign their names to the same for the convention.

Acting under such instructions, the said committee has prepared the said petition, and the said chairman and secretary have subscribed their names thereto.

I now have the honour to transmit to you, herewith enclosed, the said petition, and to respectfully request you to submit the same to the consideration of his Excellency in Council.

I have the honour to be, sir,

Your obedient servant,

GEO. E. FORTIN, *Secretary.*

French Canadian Convention of Manitoba, 1890.

To the Honourable the Secretary of State for Canada, Ottawa.

To His Excellency the Governor General of Canada, in Council.

The Petition of Her Gracious Majesty's subjects of French origin in the Province of Manitoba, humbly sheweth.

That the Seventh Legislature of the Province of Manitoba in its third Session assembled, has passed (amongst others) an Act being fifty three Victoria, chapter fourteen, intituled "An Act to provide that the English language shall be the official language of the Province of Manitoba;"

That the said Act,—by providing in the first section that "any statute or law to the contrary notwithstanding, the English language only shall be used in the records and journals of the House of Assembly for the Province of Manitoba, and in any pleadings or process in or issuing from any court in the Province of Manitoba," and that "the Acts of the Legislature of the Province of Manitoba need only be printed and published in the English language,"—virtually provides for the abolition of the French language as an official language in the said Legislature and in the said courts;

That the said Act is most vexatious to Her Majesty's subjects of French origin settled in Manitoba, inasmuch as its object is to deprive them of rights and privileges which they have uninterruptedly enjoyed and exercised ever since the entry of the country into the Union;

That the said Act constitutes a gross violation of the solemn pledges which were given to the French speaking population of Assiniboia at the time of its entry into Confederation, and as such is contrary to the policy of Your Excellency's Government; and

That the said Act—as is more fully set forth in the memorandum hereto annexed, is a flagrant violation of "The British North America Act, 1867," of "The Manitoba Act" and of "The British North America Act, 1871," and is as such *ultra vires* of the Legislature of Manitoba.

Your petitioners therefore pray:

That Your Excellency in Council may be pleased to disallow the said Act, and to take such further action and grant such other relief as to your Excellency in Council may seem meet and just. And your petitioners will ever pray.

The French Canadian Convention of Manitoba, 1890, by

M. A. GIRARD, Sr., *Chairman.*

GEO. E. FORTIN, *Secretary.*

Memorandum.

The Petition to His Excellency in Council, in connection with the passing of 53 Victoria, Chapter 14 (Manitoba), is based upon section 23 of 33 Victoria, Chapter 3 (Canada), better known as "The Manitoba Act," which Section 23 reads as follows:—

23. "Either the English or the French language may be used by any person in the Debates of the Houses of the Legislature, and both these languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person, in any pleading or process, in or issuing from any Court of Canada, established under the British North America Act, 1867, or in or from all or any of the Courts of the Province; the Acts of the Legislature shall be printed and published in both those languages."

But whereas the Manitoba Act has been passed for the purpose of continuing the British North America Act of 1867; and whereas certain portions of the former can only be properly interpreted under the light of a comparison with corresponding portions of the latter; and whereas the British North America Act, 1867, contains a section practically identical with said Section 23 of the Manitoba Act; and whereas the laying down of the general principles upon which Confederation now rests was naturally attended with more anxiety and elicited a more complete and more solemn expression of the intention of Parliament than the passing of subsequent Acts admitting new Provinces in the Union—it is thought proper for these reasons to first ascertain the exact bearing of the British North America Act, 1867, upon the question of dual languages.

Section 133 of the British North America Act, 1867, is in the following terms:—

133. "Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Legislature of Quebec; and both those languages shall be used in the respective records or journals of those Houses; and either of those languages may be used by any person in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec."

"The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both languages."

That the sense which naturally attaches to the above clause and in which it has hitherto always been interpreted, answers strictly to the interpretation which presided to the enacting thereof is fully shown by the Debates on Confederation.

The first declaration on the subject seems to have been provoked by Hon. Mr. Evanturel, who (page 943 Debates on Confederation) said:

"I wish to put a question to the Government. I acknowledge that if I confined myself to consulting my own ideas, I should not put this question; but I do so in order to meet the wishes of several of my friends both within this House and beyond its precincts. Those friends have expressed alarm in relation to one of the clauses of the resolutions, and have requested me to ask an explanation from the Hon. Attorney-General for Upper Canada as to the interpretation of that clause. I have therefore to ask him whether article 46 of the resolutions, which states that both the English and French languages may be employed in the general Parliament and its proceedings and in the Local Legislature of Lower Canada, is to be interpreted as *placing the use of the two languages on an equal footing* in the Federal Parliament. In stating the apprehensions entertained by certain persons on this subject—and I consider that it is a mark of patriotism on their part and that their apprehensions may be legitimate—I hope the Government will not impute to me any hostile intention, and will perceive that the course I adopt is in their interest as it will give them an opportunity of dissipating the apprehension in question. (Hear, hear.)

To this, Hon. Attorney-General (now Sir) John A. Macdonald, answers as follows:—

"I have very great pleasure in answering the question put to me by my hon. friend for the County of Quebec. I may state that the meaning of one of the resolutions adopted by the Conference is this: that the rights of the French Canadian members as to the status of their language in the Federal Legislature should be 'precisely the same as they now are in the Provincial Legislature of Canada, in every possible respect.' I have still further pleasure in stating that the moment

this was mentioned in Conference, the members of the deputation from the Lower Provinces unanimously stated that it was right and just, and without one dissentient voice gave their adhesion to the reasonableness of the proposition that the status of the French language as regards '*the procedure in Parliament, the printing of measures and everything of that kind*' should be precisely the same as it is in this Legislature."

But, however strong these declarations may appear, they do not imply any guarantee as to the future. True, the Union Act which provided at first that the English language should be the sole official language was amended by 11 and 12 Victoria (Imp.) declaring that French also should be an official language; but there was nothing in this amendment to make its object indefeasible, and the use of the French language, although introduced, was yet as to its continuancy, left to the will of the majority."

It was in this sense that the Hon. (now Sir) A. A. Dorion made the following objection:

"If to-morrow this legislature chooses to vote that no other but the English language should be used in our proceedings, it might do so and thereby forbid the use of the French language. There is therefore no guarantee for the continuance of the use of the language of the majority of the people of Lower Canada but the will and forbearance of the majority of Parliament. And as the number of French members in the general legislature under the proposed Confederation will be proportionately much smaller than it is in the present legislature, this ought to make hon. members consider what little chance there is for the continued use of their language in the Federal Legislature. This is the only observation I have to make on this subject, and it was suggested to me by the answer of hon. Attorney General."

Hon. (now Sir) John A. Macdonald answered this objection in the following terms:—

"I desire to say that I agree with my honourable friend that as it stands just now, the majority governs; *but in order to cure this*, it was agreed at the Conference to embody the provision in the Imperial Act (hear, hear). This is proposed by the Canadian Government for fear an accident might arise subsequently: and it was assented to by the deputation for each province that the use of the French language should form "*one of the principles upon which the Confederation would be established*," and that its use as at present should be guaranteed by the Imperial Act (hear, hear)."

The above having more special reference to the status of the two languages in the Federal Parliament, Hon. Attorney General (subsequently Sir) George Etienne Cartier, then made definite the interpretation of the same clause as to the use of the minority's language in the future legislature of Quebec, in these words:—

"I will add, that it was also necessary to protect the English minority in Lower Canada with respect to the use of their language, because in the local parliament of Lower Canada, the majority will be composed of French Canadians. The members of the Conference were desirous that it should not be in the power of that majority to decree the abolition of the English language in the local legislature of Lower Canada, 'any more than it will be in the power of the Federal Legislature to do so with respect to the use of the French language.' I will also add that the use of both languages will be secured in the Imperial Act to be founded on the resolutions."

Three conclusions must necessarily follow the above premises:—

1. That the English language and the French language were both declared official languages for and in the Legislature and the courts of the Province of Quebec, as well as in and for the Parliament of Canada.

2. That the abolition of either of these languages as official languages, is not within the powers of the legislature of Quebec; or, in the words of Sir George E. Cartier, that "it would not be in the power of the majority to decree the abolition of the English language."

3 That this privilege of the minority should not receive a narrow interpretation; but rather, as Mr. Evanturel says "as placing the use of the two languages on an equal footing;" or, in the words of Sir John A. Macdonald, as applying "to the procedure in parliament, the printing of measures and everything of that kind."

Section 133 of the British North America Act, 1867, and section 23 of the Manitoba Act being practically identical, the above three conclusions are also invoked in the present case, upon the ground that the same interpretation should attach to similar enactments.

It may however be contended that mere declarations of the intention of the legislature, as the above, cannot stand in the face of positive enactments to the effect contrary; and upon that ground, section 92 of the British North America Act, 1867, has been invoked as empowering provincial legislatures generally to amend their constitution, and the legislature of Quebec particularly to abolish either of its official languages.

True, section 92 of the British North America Act empowers provincial legislatures to amend "the constitution of the Province."

But these last words should be taken as a clear reference to the heading, and the whole of the fifth division of the Act, being "*V. Provincial Constitutions*," upon the grounds of that sound rule of interpretation, that all matters contained in a chapter or division are properly and sufficiently referred to by quoting the heading or title of such division or chapter.

This seems to be supported by the fact: That in all this division "V" of the British North America Act, 1867, not a single matter nor a single clause is to be found which it is not clearly in the power of provincial legislatures to amend (unless, of course, therein expressly reserved),—whilst, on the other hand, leaving out this division "V," not one single clause is to be found in the Act, which provincial legislatures can claim power to amend (unless of course that power be therein expressly conferred).

It is then submitted as a general conclusion:—

1. That under the British North America Act, 1867, provincial legislatures are empowered to amend only those clauses which are enumerated in, and form part of division "V" of the Act;

2. That as clause 133 (the dual language clause) is not contained in and does not form part of said division "V," it is not within the powers of the Legislature of Quebec to repeal nor amend the same. (Dwarris, Maxwell, Hardcastle, Headings, &c.)

It is moreover submitted as applying specially to the present case.

1. That section 92 of the British North America Act, 1867, whilst applying to the Provincial Legislature of Manitoba, only does so in the restricted sense herein above specified;

2. That section 23 of the Manitoba Act should be read as if it were inserted in the British North America Act, 1867, in the place of, or alongside with, section 133 of the said Act, and subject to the same reservations.

It is moreover submitted that the repealing powers of the Legislature of Manitoba in connection with official languages, are restricted not only by the British North America Act, 1867, as herein above stated, but also by 34-35 Victoria, chapter 28 (Imp.), better known as "*The British North America Act, 1871*," section 6 of which is in the following terms:—

"Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act (the Manitoba Act); subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting "*the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province*."

These last words seem to indicate to what extent the Legislature of Manitoba has power to amend the Manitoba Act.

NO. 6.

(Translation.)

MONTREAL, March 23rd, 1891.

SIR,—I beg to enclose a petition signed by Catholic Episcopate of the Dominion of Canada, and pray that you will transmit the same to His Excellency the Governor General in Council.

I am confident that you will give your full support to this petition and commend it to your honourable colleagues when presenting it to them.

Several of the venerable prelates, whose signature is affixed to this petition, not being able to sign themselves, have authorized certain of their brethren in the Episcopate to do so for them, as you will see from the papers hereunto annexed marked : A, B, C, D, E, F, G, H, I.

Your obedient servant,

ALEX., Archbishop of St. Boniface, O.M.I.

Hon. J. A. CHAPLEAU,
Secretary of State, Ottawa.

(Telegram.)

His Grace Archbishop TACHÉ, St. Mathew Street, Montreal.

Have not seen document, you may however attach my name.

J. FARRELLY.

B.

MONTREAL, March 16th, 1891.

I hereby certify that, by special authority from their Lordships the Right Reverend Monseigneur Grandin, Bishop of St. Albert, and Monseigneur Isidore Clut, Bishop of Arindèle, I have affixed their signatures to the petition addressed to His Excellency the Governor General in Council *re* Manitoba Catholic Schools, &c.

ALEX., Archbishop of St. Boniface, O.M.I.

C.

ARCHBISHOP'S HOUSE, HALIFAX, N.S., 17th March, 1891.

I hereby certify that by special authority from Their Lordships the Bishops of St. John, Charlottetown, Antigonish and Irina, I have this day affixed their signatures to the Petition of His Grace Archbishop Taché to His Excellency the Governor General in Council.

C. O'BRIEN, *Archbishop of Halifax.*

D.

NEW WESTMINSTER, B.C., 15th March, 1891.

(Telegram.)

To Rev. Archbishop TACHÉ,
General Hospital, Montréal.
Consenting to sign.

BISHOP DURIEU.

* * * * *

E.

VICTORIA, B.C., 11th March, 1891.

(Copy.)

To Archbishop TACHÉ,
General Hospital, St. Matthew Street, Montreal.

I willingly give my name to petition.

J. N. LEMMENS.

To His Excellency the Governor General in Council :

The petition of the Cardinal Archbishop of Quebec and of the Archbishops and Bishops of the Roman Catholic Church in the Dominion of Canada, subjects of Her Gracious Majesty the Queen,

Humbly sheweth; That the seventh legislature of the Province of Manitoba, in its third session assembled, has passed an Act intituled: "An Act respecting the Department of Education" and another Act to be cited "The Public School Act," which deprive the Roman Catholic minority of the province of the rights and privileges they enjoyed with regard to education;

That during the same session of the same Parliament there was passed another Act, being fifty-three Victoria, chap. xiv, to the effect of abolishing the official use of the French language in the Parliament and Courts of Justice of the said Province;

That the said laws are contrary to the dearest interests of a large portion of the loyal subjects of Her Majesty;

That the said laws cannot fail to grieve and in fact do afflict at least the half of the devoted subjects of Her Majesty in Her Domains of Canada;

That the said laws are contrary to the assurances given, in the name of Her Majesty, to the population of Manitoba, during the negotiations which determined the entry of the said Province into Confederation;

That the said laws are a flagrant violation of the British North America Act, 1867, and of the Manitoba Act, 1870, and of the British North America Act, 1871; that your petitioners are justly alarmed at the disadvantages and even the dangers which would be the result of a legislation forcing on its victims the conviction that public good faith is violated with them, and that advantage is taken of their numerical weakness, to strike at the constitution under which they are so happy to live.

Therefore, your petitioners humbly pray Your Excellency in Council to afford a remedy to the pernicious legislation above mentioned, and that in the most efficacious and just way.

And your petitioners will, as in duty bound, ever pray.

MONTREAL, 6th March, 1891.

E. A. Card. TASCHEREAU, Arch. of Quebec;	(d) PAUL DURIEU, O.M.I., Bishop of New Westminster;
ALEX., Arch. of St. Boniface, O.M.I.;	L. Z., Bishop of St. Hyacinthe;
C. O'BRIEN, Arch. of Halifax;	N. ZÉPHIRIN, Bishop of Cythère, Vic. Apost. of Pontiac;
EDOUARD CH., Arch. of Montreal;	ELPHÈGE, Bishop of Nicolet;
J. THOMAS, Arch. of Ottawa;	THOMAS JOSEPH DOWLING, Bishop of Hamilton;
JOHN WALSH, Arch. of Toronto;	(e) J. N. LEMMENS, Bp of Vancouver;
(a) J. FARRELLY, Administrator, Diocese of Kingston;	(f) RICHARD A. O'CONNOR, Bp. of Peterboro';
JEAN, Arch. of Leontopolis;	ANDRÉ ALBERT, Bp. of St. Germain de Rimouski;
(b) VITAL, J., Bishop of St. Albert;	(g) ALEXANDER MACDONELL, Bishop of Alexandria;
(c) JOHN SWEENEY, Bishop of St. John;	(c) J. C. McDONALD, Tit. Bp. of Irina;
(c) PETER MCINTYRE, Bishop of Charlottetown;	(h) DENNIS O'CONNOR, Bp. of London;
(b) ISIDORE CLUT, O. M. I., Bishop of d'Arundèle;	(i) N. DOUCET, Pte., V.G., Prot. Apost. Administrator of the Diocese of Chicoutimi, during the absence of Mgr. Bégin, in Europe.
L. F., Bishop of Three Rivers;	
T. O'MAHONY, Bishop of Eudocia;	
(c) J. CAMERON, Bishop of Antigonish;	
ANTOINE, Bishop of Sherbrooke;	

(Translation.)

To His Excellency the Governor General in Council;—The Petition of the Cardinal Archbishop of Quebec, and the Archbishops and Bishops of the Roman Catholic Church of the Dominion of Canada, subjects of Her Gracious Majesty the Queen; Respectfully sheweth:

That, in the Third Session of the Seventh Parliament of the Province of Manitoba, a Statute was enacted, intituled "An Act respecting the Department of Education," and another, intituled "The Public Schools Act," which said enactments deprive the Roman Catholic minority of the said Province of the rights and advantages which they formerly enjoyed in the matter of education;

That, in the same Session of the same Parliament, another Statute was enacted, being the Act 53 Victoria, chapter 14, for the purpose of abolishing the official use of the French language in the Parliament and the Courts of Justice of the said Province.

That these enactments are opposed to the interests of a considerable portion of the loyal subjects of Her Majesty;

That the said enactments cannot fail to grieve, and do in fact grieve, at least one-half of the devoted subjects of Her Majesty throughout the Dominion of Canada;

That these enactments are contrary to the assurance given in the name of Her Majesty to the people of Manitoba at the time of the negotiations which led to the entry of that Province into Confederation;

That the aforementioned enactments are a flagrant violation of the British North America Act, 1867, of the Manitoba Act, 1870, and the British North America Act, 1871;

That your Petitioners are justly alarmed at the drawbacks and even dangers which may result from legislation which forces upon those who are its victims the sad conviction that there is a violation in their case of public good faith; and that advantage is taken of their numerical inferiority to violate the constitution, under the protection of which they think themselves fortunate to live;

Wherefore, your Petitioners pray Your Excellency in Council to remedy this most deplorable legislation by any means which you may deem most effective and most just.

Wherefore, your Petitioners, as in duty bound, will ever pray, &c., &c.

No. 7.

ST. BONIFACE, MAN., 4th April, 1891.

HONOURABLE SIR,—At the request of the subscribers, I have the honour to forward to you, herewith enclosed, a petition signed by the members of French origin of the Legislature of this Province, praying for the disallowance of chapter 14, of 53 Victoria, of the Statutes of Manitoba; and to beg you to lay this petition before His Excellency the Governor General in Council, with the hope that the just request of the petitioners will receive the most favourable consideration possible on the part of His Excellency.

I have, &c.,

A. A. C. LARIVIÈRE.

Hon. J. A. CHAPLEAU,

Secretary of State, Ottawa.

To His Excellency the Right Honourable Sir FREDERICK ARTHUR STANLEY, Baron Stanley of Preston, in the County of Lancaster, in the Peerage of Great Britain, Knight Grand Cross of the Most Honourable Order of the Bath, Governor General and Vice-Admiral of Canada:

MAY IT PLEASE YOUR EXCELLENCY,—The petition of the members representing the French population in the Legislature of Manitoba, humbly sheweth:

1. Whereas the 23rd section of the Manitoba Act (1870), enacts as follows :—
“ 23. Either the English or the French language may be used by any person in the debates of the Houses of the Legislature, and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person, or in any pleading or process, in or issuing from any court of Canada, established under the British North America Act, 1867, or in or from all or any of the courts of the Province. The Acts of the Legislature shall be printed in both those languages.”

2. Whereas the French population of Manitoba has enjoyed the free exercise of the rights and privileges aforesaid for the space of eighteen years, until the year eighteen hundred and ninety, without hindrance from the various administrations which have governed the Province during that period; and

Whereas the Act, chapter 14, of the Legislature of Manitoba, passed in the 53rd year of Her Majesty's Reign, and sanctioned by the Lieutenant-Governor on the 31st March, 1890, enacts the abolition of the official use of the French language in the debates of the Legislative Assembly and in the Courts of Justice; and

Whereas in pursuance of the said chapter 14, neither the records nor the journals of the legislature, nor even the statutes of the said year 1890, have been printed in French, to the detriment of our fellow nationalists and to the prejudice of their constitutional rights, solemnly guaranteed both by the Parliament of the Dominion and by the Imperial Parliament itself;

Wherefore, your petitioners pray Your Excellency to graciously use Your Excellency's Vice-Regal prerogative and disallow the Act, chapter 14, of the said Statutes of Manitoba.

And your Petitioners will ever pray,

THOMAS GELLEY,
M.P.P. for Cartier.
WM. LAGIMODIÈRE,
M.P.P. for La Verandrye.

A. F. MARTIN,
M.P.P. for Morris.
ROGER MARION,
M.P.P. for St. Boniface.
MARTIN JEROME,
M.P.P. for Carillon.